

**WARREN COUNTY SPECIAL COMMISSIONERS MEETING  
TUESDAY APRIL 18, 2019**

The Warren County Commissioners met for their third meeting during the month of April 2019. Present for the meeting were Clay Andrews, Brian Jordan, Adam Hanthorne and Jud Barce, County Attorney.

Also, in attendance were Catherine Dalton, Dave Banta, Jack Dalton, Earl Davis, Bruce Buchanan, Judy Davis, Steven Cox, Paul Jackson, Dennis Stephen, Gary Clifton, Curt Clifton, Lyn Martin, Bob Silver, Becky Silver, Shirley Muller, Neal Austin, Lori Austin, Perry Conrad, Joe Williams, David Gil, Kimberly Dickey, Anita Miller, Burt Etchison, Mike Shettle, Charity Shettle, Nick Edwards, Kendra Freed, Michael Evans, Nikki Elrod, Jacob Farrar, James Elrod, Matt Commons, Bob Cary, Scott Beckett, Hunter Armstrong, Marci Burton, Cheryl Clark, Patty Joy Crone, Boyd Crone, Dwain Akers, Frankie Lucas, Kevin Howard, Lon Akers, Mitch Miles, Mark Stephen, Williams Crone, LeAnn Conrad, John Larson, John Kuiper, Samantha Hill.

1. The meeting was called to order by Brian Jordan, President of the Commissioners.
2. Brian Jordan led the Pledge of Allegiance.
3. New Business:
  - a. AMENDED PETITION TO AMEND THE WARREN COUNTY ZONING ORDINANCE: Brian Jordan explained to the public the proposal that will be sent to the APC. This is the first step whether there are future changes. There will be no public comment, but there will be public comment at the APC meeting. Jordan asked the Commissioners for any other changes to the amended petition. Adam Hanthorne explained why this is being sent back to the APC. This was originally requested with different wording than the initial request.
  - b. The petition was read in entirety by the Commissioners as listed.

**AMENDED PETITION TO AMEND THE  
WARREN COUNTY ZONING ORDINANCE**

Pursuant to Article XIX of the Warren County Zoning Ordinance, the Board of Commissioners of Warren County proposes amendments, described below, to the Warren County Zoning Ordinance, and requests that the Area Plan Commission schedule a public hearing to consider this Petition. The Proposed Amendments to the Warren County Zoning Ordinance relate to Wind Energy Conversion Systems' (WECS) setbacks and noise regulations, as follows:

**Amendment 1: (This Amendment received a sufficient vote at the Area Plan Commission's hearing on April 9, 2019, and so it needs no further hearing).**

Amend Section 1.5.1 of the Warren County Zoning Ordinance's Wind Energy Conversion Systems (WECS) Siting Regulations ("WECS Siting Regulations") to change residential setback distance measurements as follows:

FROM: "Residential dwellings, measured from the center of the WECS to the nearest corner of the structure."

TO: "Residential dwellings, measured from the center of the WECS to <sup>the</sup> residential dwelling's nearest adjacent property line."

**Amendment 2 (Alternative B): Amend Section 1.5.1 of the WECS Siting Regulations to increase the setback from adjoining property lines as follows:**

FROM: "Distance from a property line, measured from the center of the WECS to the property line: Seven Hundred fifty (750) feet for non-participating landowners. Subject to BZA approval, the setback requirement may be waived, in writing, by participating landowners."

"Distance from a residential dwelling, measured from the center of the WECS to the nearest corner of the structure: One thousand two hundred fifty (1,250) feet for non-participating landowners.<sup>1</sup> Subject to BZA approval, the setback requirement may be waived, in writing, by participating landowners.

<sup>1</sup>The setback for residential dwellings shall be reciprocal in that no residential dwelling shall be constructed within one thousand two hundred fifty (1,250) feet of a COMMERCIAL WECS."

TO: "Wind Turbines must be 2500' from adjoining property lines unless the adjoining property owner signs a waiver allowing a lesser distance. In that case the wind turbine must still be 2500' from the property line of any property owner who does not sign a waiver."

FROM: Deleted in its entirety by Resolution 2016-018 on August 4, 2016.

TO: "C. Noise Profile, to include without limitation:

1. The make and model of the turbines.
2. Sound Power Levels (Lw) for each turbine for each one-third octave band from 6.3 Hz up through 10,000 Hz.
3. A pre-construction noise study for each proposed Wind Turbine location (ambient noise profile) showing background dBA and dBC sound levels (L90 (10 min)) over one or more valid ten (10) minute continuous measurement periods for each turbine location, nearest dwelling and nearest non-participating owner's property line. The ambient noise levels shall be the L90A sound descriptor measured during a preconstruction noise study during the quietest time of night (10 pm until 4 am).
4. A projection showing the expected dBA and dBC sound levels computed using the one-third octave band sound power levels (Lw) with appropriate corrections for modeling and measurement accuracy tolerances and directional patterns of the WECS for all areas within and to one (1) mile from the project boundary for the wind speed, direction and operating mode that would result in the worst case WECS sound emissions. The projection may be by means of computer model but shall include a description of all assumptions made in the model's construction and algorithms. If the model does not consider the effects of wind direction, geography of the terrain, and/or the effects of reinforcement from coherent sounds or tones from the turbines these should be identified and other means used to adjust the model's output to account for these factors. These results may be displayed as a contour map of the predicted levels, but should also include a table showing the predicted levels at noise-sensitive receptor sites and residences within the model's boundaries. The predicted values must include dBA and dBC values but shall also include un-weighted octave band sound pressure levels from 8k Hz to 10k Hz in data tables.
5. The Zoning Office will refer the applicant's information and sound studies to a Qualified Independent Acoustical Consultant for review and a determination whether the proposed WECS will, based on pre-construction studies and sound modeling, comply with the sound limits set forth in this Ordinance."

**Amendment 4: Amend Section 1.7.3 of the WECS Siting Regulation, repealing and replacing the existing Noise and Vibration standards as follows:**

FROM: Noise Standard that apply to Commercial WECS:

At no point within two hundred (200) feet of a residential dwelling may the sound pressure levels from a wind turbine exceed the following sound levels. Sound levels shall be measured with an octave band analyzer or sound level meter and associated filter manufactured in compliance with standards prescribed by the American National Standards Institute (ANSI).

Octave Bands for Warren County in Hertz (Hz), per ANSI	Maximum Permitted Sound Level (In decibels) measured 200 feet from edge of any residential dwelling
63	75
125	70
250	65
500	59
1000	53
2000	48
4000	44
8000	41

TO: Noise Standard that apply to Commercial WECS:

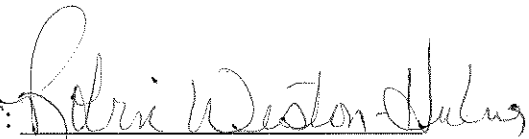
At no point on an adjoining property, including within a dwelling on that property, may the sound pressure levels from a wind turbine exceed the following sound levels unless the adjoining property owner signs a waiver allowing a greater sound level. Sound levels shall be measured with an octave band analyzer or sound level meter and associated filter manufactured in compliance with standards prescribed by the American National Standards Institute (ANSI).


Octave Bands (Hz) decibels	Maximum Permitted Sound Level in (dbA or dbC Leq (1 hr) as appropriate)
2	45
4	45
8	45
16	45
31.5	45
63	45
125	45
250	45
500	45
1000	45
2000	45
4000	44
8000	41

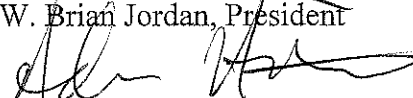
- c. Jordan explained to the public that if this passes tonight then it will go back to the APC and this is no decision tonight other than to send back to the APC for recommendation May 21<sup>st</sup> at 5:00 p.m.
- d. Adam Hanthorne made a motion to advertise and send the amended petition back to the APC for review with a second from Clay Andrews for the May 21<sup>st</sup> meeting, all voted in favor.

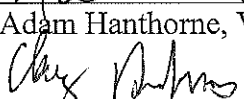
Next Commissioner will be held April 18, 2019 at 6:00 p.m. and May 6, 2019 at 8:30 a.m.

There being no further business Clay Andrews made a motion to adjourn with a second from Adam Hanthorne, all voted in favor.

ATTEST:   
Robin Weston-Hubner, Auditor

  
W. Brian Jordan, President

  
Adam Hanthorne, Vice President

  
Clay Andrews